

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
DECEMBER 2, 2002**

The Tippecanoe County Commissioners met on Monday, December 2, 2002 at 9:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President KD Benson, and Member Ruth E. Shedd; Auditor Robert A. Plantenga, County Attorney David W. Luhman, and Secretary Pauline E. Rohr. (Commissioners' Assistant Jennifer Weston was absent.)

President Knochel called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Benson moved to approve the minutes of the November 12, 2002 Special Joint Meeting with the County Council and the November 18, 2002 Regular Meeting as distributed, seconded by Commissioner Shedd; motion carried.

APPROVAL OF CLAIMS

- Upon the recommendation of Auditor Robert Plantenga, Commissioner Shedd moved to approve the Claims as submitted, seconded by Commissioner Benson; motion carried.

AWARDS: Years of Service

The following County employees, who are retiring at the end of the year, were honored by the Commissioners and given a plaque indicting their years of service.

Dave Kuebler, Executive Director of Community Corrections over fourteen (14) years, said he enjoyed his years with the County and would do it all the same way again.

Ronald Melichar, Circuit Court Judge over seventeen (17) years, was not present.

Jack Smith, Highway Department over eighteen (18) years, thanked those he worked with over the years.

Bob McKee, County Assessor over nineteen (19) years, said it was an honor to have served. He thanked the taxpayers for the chance to serve and his staff for their professionalism.

Joan Garrett served the last four (4) of her thirty seven (37) years as Chief Deputy County Clerk.

Laura Zeman, Judge Superior Court V. (See entry later in minutes.)

President Knochel said the Commissioners are proud of all these employees who have spent so much time with the County and affirmed they will be missed.

JAIL EXPANSION UPDATE: Kettelhut Representative Steve Habben

Mr. Habben reported:

- The old Booking area is being renovated.
- The corridor link from the existing pod to the new Holding area is being constructed.
- Work continues on mechanical and electrical systems, painting and finishing, and application of acoustical ceiling spray-on material in the new pod area.
- The Security System throughout the entire building is being worked on.

HIGHWAY: Executive Director Mark Albers

BIDS OPENED: 2002 Guardrail Rehabilitation Program

Attorney Luhman opened and read the bids:

James H. Drew Corp. \$127,104.35 Bid Bond

Triad Construction, Inc. \$149,882.75 Bid Bond

NOTE: 2003 Materials and Supply Bids will be opened at approximately 10:00 A.M.

AWARDS: Years of Service continued

Laura Zeman, Superior Court V Judge over 14 years, announced she will be Senior Judge for Superior Court III Judge Loretta Rush next year.

BID OPENING continued

- Upon Mr. Albers' recommendation, Commissioner Benson moved to take the Guardrail Rehabilitation bids under advisement, seconded by Commissioner Shedd; motion carried.

WARRANTY DEED: 200 N Roadway Improvement Project 99-544-D

TEMPORARY GRANT OF RIGHT-OF-WAY: 200 N Roadway Improvement Project 99-544-D

Mr. Albers submitted for acceptance the following Warranty Deed and Temporary Grant of Right-of-Way for the 200 N Roadway Improvement Project:

Key #112-00700-0270: Parcel #10 & #10A:

A part of the SW fractional $\frac{1}{4}$ of Sec 7, Twp 23 N, R 3 W of the Second Principal Meridian in Perry Twp on CR 500 E from Kenneth W. & Patricia L. Ruhlander.

- Commissioner Benson moved to accept the Warranty Deed and Temporary Grant of Right-of-Way, seconded by Commissioner Shedd; motion carried.

Mr. Albers reported the appraisal work is almost complete for this project.

GRANT OF RIGHT OF WAY: By Parcelization

Mr. Albers presented the following Grant of Right-of-Way by parcelization for acceptance:

Key #140-00700-0144: 30' R-O-W $\frac{1}{2}$ width of CR 600 S; A part of the East $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec 19, Twp 22 N, R 5 W in Wayne Twp. from Priscilla M. Gerde.

- Commissioner Benson moved to accept the Grant of Right-of-Way by parcelization, seconded by Commissioner Shedd; motion carried.

CERTIFICATES OF INSURANCE

- ♦ Harleysville Lake States Ins. Co., Auto Owners Insurance Co. for Pat & Holly Richard DBA CER Development LL, Redwood Properties and Canyon Creek Holdings LLC
- ♦ United Farm Family Mutual Insurance Company for Gick Builders Inc.
- ♦ Lexington Insurance Co., Admiral Insurance Co. for J & J Crane Rental Inc.
- ♦ Cincinnati Insurance Co, Cincinnati Casualty Company for Bob Newlin Homes Inc

ORDINANCE 2002-46-CM: Z-2083, Jeff Walker A to I3

- Commissioner Benson moved to hear and approve Ordinance 2002-46-CM, seconded by Commissioner Shedd.

(quote)

November 21, 2002

Ref. No.: 02-697

Tippecanoe County Commissioners

20 North 3rd Street

Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2083-JEFF WALKER (A TO I3):** Petitioner is requesting the rezoning of 0.958 acres located on the north side of CR 375 S on the west side of I-65, Sheffield 8 (SE) 22-3.
CONTINUED FROM THE OCTOBER MEETING (SECOND CONTINUANCE)

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 20, 2002, the Area Plan Commission of Tippecanoe County voted 3 yes - 9 no on the motion to rezone the subject real estate from A TO 13. Therefore, the Area Plan Commission of

Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be DENIED for the property described above.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their December 2, 2002, regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-46-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE,
FROM A TO I-3**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
TIPPECANOE, INDIANA:**

Section 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in Sheffield Township, Tippecanoe County, Indiana, to wit:

A part of the west half of the Southwest Quarter of Section 8, Township 22 North, Range 3 West, in Sheffield Township, Tippecanoe County, Indiana, described as follows: Commencing at the Berntsen Monument marking the Northwest corner of Richardville Reserve; thence South 89°56'58" West (bearings are based upon true north as determined by GPS) 454.08 feet along the extension of the North line of said Richardville Reserve and the approximate center line of County road 375; thence North 00°26'04" West 73.46 feet to a capped rebar set and the point beginning of this description; thence continuing North 00°26'04" west 412.60 feet to a capped rebar set on the Southwesterly line of a tract of land owned by the State of Indiana as a (sic) recorded in Deed Record 308, Pages 453-456 on 12/06/1967 in the Office of the Recorder of Tippecanoe County, Indiana, thence South 26° 58'11" East 457.75 feet along said

Southwesterly line and existing right-of-way fence to a capped rebar set; thence North 89°43'45" West 158.58 feet along the North line of the State of Indiana property to a capped rebar set; thence South 83°19'21" West 46.20 feet along said North line to the point of beginning and containing 0.958 of an acre.

Section 2. The real estate described above should be and the same is hereby rezoned from A to I-3.

Section 3. This ordinance shall be in full force and effect from and after its passage.

**(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana,
this 2nd day of December, 2002.**

VOTE: -

John Knochel, President

KD Benson, Vice President

Ruth Shedd, Member

Attest: _____
Robert Plantenga, Auditor

(unquote)

Representing the petitioner, Attorney Joe Bumbleburg explained that this rezone request from A to I3 will permit a small business partnership, Lafayette Tub Resurfacing, to expand. The petitioner found this small acreage on which to construct a building because they are no longer able to restore tubs on-site in the client's garage due to the need for a painting booth. The petitioner has worked with the Health Department for the use of a well and septic system, Lafayette Savings Bank for financing, and has a proposed building plan. There is other industrial zoning in the area to the West and the North.

President Knochel noted that the owners are also in the billboard business and the Area Plan Staff expressed a concern that the petitioner might erect a billboard on this property to rent advertising space to another business. Mr. Bumbleburg responded that, in his opinion, the erection of a billboard on this property is a secondary issue because the petitioner wants a tub resurfacing business.

Responding to Commissioner Benson's question, Mr. Bumbleburg said there shouldn't be any outside storage.

Commissioner Shedd asked how this business fits into the Comprehensive Plan developed several years ago. Mr. Bumbleburg responded that another business approximately the size of SIA would require water and sewer service to it. The petitioner has addressed this issue in discussions with the Health Department.

Commissioner Benson asked Area Plan Assistant Director Sallie Fahey for a clarification on the Commissioners' recourse if the intent of the rezoning is not carried out. Mrs. Fahey responded that if factual information regarding the rezone is found to be false, the Commissioners' have the ability to rehear the request without sending it back to the Plan Commission. Attorney Luhman explained the Commissioners' would have to determine if their rezoning decision was based upon the construction for a tub resurfacing business.

With no further questions or comments, Auditor Plantenga recorded the vote:

John Knochel Yes
KD Benson Yes
Ruth Shedd No

- The motion to approve Ordinance 2002-46-CM passed 2 – 1.

ORDINANCE 2002-47-CM: Z-2085, Black & Black Properties Limited Partnership A to II

- Commissioner Benson moved to hear and approve Ordinance 2002-47-CM, seconded by Commissioner Shedd.

(quote)

November 21, 2002

Ref. No.: 02-698

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2085-BLACK & BLACK PROPERTIES LIMITED PARTNERSHIP (A TO II):**

Petitioner is requesting the rezoning of 1 acre located on the south side of CR 250 N, at 3675 W 250 N, Wabash 10 (SW) 23-5.

CONTINUED FROM THE OCTOBER MEETING BY INCONCLUSIVE VOTE.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 20, 2002, the Area Plan Commission of Tippecanoe County voted 8 yes - 4 no on the motion to rezone the subject real estate from A TO I1. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their December 2, 2002, regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-47-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN
REAL ESTATE FROM A TO I1**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF TIPPECANOE, INDIANA;

Section 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not a part of the unified county code is hereby amended to rezone the following described real estate situated in Wabash Township, Tippecanoe County, Indiana, to wit:

A part of the East Half of the Southwest Quarter of Section 10, Township 23 North, Range 5 West, described as follows:

Beginning at a point in the center of the road that is on the Half Section line and 200 feet East of a corner stone that is at the Northwest corner of the East Half of the Southwest Quarter of Section 10, Township 23 North, Range 5 West; thence East on said center line a distance of 100 feet to a point; thence South on a bearing of South 0 degrees 17 minutes West, 435.4 feet to an iron pipe; thence West a distance of 100 feet to an iron pipe; thence North on a bearing of North 0 degrees 17 minutes East a distance of 435.4 feet to a place beginning, containing 1 acres, more or less, located in Wabash Township, Tippecanoe County, Indiana.

Section 2. The above described real estate should be and the same is hereby rezoned from A to I1.

Section 3. This ordinance shall be in full force and effect from and after its adoption.

(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana this 2nd day of December, 2002.

VOTE:

John Knochel, President

KD Benson, Vice President

Ruth Shedd, Member

ATTEST:

Robert Plantenga, Auditor

(unquote)

Representing the petitioner, Attorney Randy Williams requested approval of this zoning request from A to I1 so the petitioner can establish an automobile restoration business. He said I1 is more appropriate than residential use due to other small tracts zoned GB and NB in the area. Due to the nature of the business and the small size of the lot, a large industrial building will not be constructed.

Mrs. Fahey clarified that existing zoning of R1B, R2, R1, R3, and NB to the south of CR 250 N is part of Lindberg Village SD.

With no further questions or comments, Auditor Plantenga recorded the vote:

KD Benson Yes
Ruth Shedd Yes
John Knochel Yes

- The motion to approve Ordinance 2002-47-CM passed 3 – 0.

ORDINANCE 2002-44-CM: Z-2094, Copper Beech Townhome Communities, LLP R1 to R3

- Commissioner Benson moved to hear and approve Ordinance 2002-44-CM, seconded by Commissioner Shedd.

(quote)

October 17, 2002
Ref. No.: 02-618

Tippecanoe County Commissioners
20 North Third Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2094-COPPER BEECH TOWNHOME COMMUNITIES, LLP (R1 TO R3):**
 Petitioner
 is requesting the rezoning of 15.10 acres located approximately 400' west of McCormick
 Road
 and 1320' east of CR 300 W, Wabash 11 (NW) 23-5.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on October 16, 2002, the Area Plan Commission of Tippecanoe County voted 1 yes - 8 no on the motion to rezone the subject real estate from R1 TO R3. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be DENIED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their November 4, 2002 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-44-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE FROM R1 TO R3

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
TIPPECANOE, INDIANA:**

SECTION I:

The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code, is hereby amended to rezone the following described real estate situated in Wabash Township, Tippecanoe County, Indiana, to wit:

A part of the Southeast Quarter of the Northwest Quarter and a part of the Northeast Quarter of the Southwest Quarter of Section 11, Township 23 North, Range 5 West, within the bounds of the Edwin L. Swanson, Mary Lou Thompson, William A. Swanson, and Beth A. Purkhiser property, as described in Document No. 95-02387, recorded February 15, 1995 and in Document No. 93-02059, recorded January 27, 1993, in the office of the Tippecanoe County Recorder, being more completely described as follows, to-wit:

Commencing at the West Quarter corner of Section 11-23-5, said point being marked by a Berntsen A1NB aluminum monument; thence along the south line of the southwest quarter of the southwest quarter of the northwest quarter of said section North 88°49'28" East 652.86 feet to the southeast corner thereof, said point being marked by a 17" square concrete post; thence along the south line of the southeast quarter of the southwest quarter of the northwest quarter of said section North 88°36'42" East, 655.20 feet to the southeast corner thereof, said point being marked by a concrete post and the point of beginning of the herein described tract; thence along the east line of the southwest quarter of the northwest quarter of said section, North 00°07'23" West, 659.00 feet; thence North 88°34'08" East, 1368.57 feet; thence South 01°25'52" East, 40.00 feet; thence along a non-tangent curve (said curve being concave southeasterly, having a radius of 330.00 feet and a chord bearing South 66°14'34" West, 250.72 feet) an arc distance of 257.18 feet; thence South 43°55'00" West, 705.04 feet; thence along a tangent curve to the right (said curve having a radius of 270.00 feet and a chord bearing South 66°25'00" West, 206.65 feet) an arc distance of 212.06 feet; thence South 88°55'00" West, 459.63 feet; thence North 00°22'00" East, 47.05 feet to the point of beginning, containing 15.10 acres.

SECTION II:

The real estate described above should be and the same is hereby rezoned from R1 to R3

SECTION III:

This ordinance shall be in full force and effect from and after its passage.

Denied by the Board of Commissioners of Tippecanoe County, Indiana, 2nd day of December, 2002.

VOTE:

John Knochel, President

KD Benson, Vice President

Ruth Shedd, Member

Attest:

Robert A. Plantenga, Auditor

(unquote)

The petitioner's representative Attorney Joe Bumbleburg requested the rezoning of 15.12 acres from R1 to R3. Mr. Bumbleburg thinks this acreage can be satisfactorily hooked to the present phases of Copper Beech to complete the project. In a prior agreement with the Commissioners, the petitioner agreed to maintain a 30' strip of land reserved for the extension of Cumberland Avenue for five (5) years. If the rezone request is approved today, Mr. Bumbleburg said the petitioner would give this reserved approximate 3.5 acres to Tippecanoe County. The stub from Wake Robin SD located to the south would eventually tag to proposed Cumberland Ave.

Ron Gatehouse, Copper Beech representative, explained they do not build in large urban areas and they continue ownership and management of the properties. They rent units to students but not exclusively. Mr. Gatehouse said they screen their applicants because they want to rent to the best tenants and protect their assets from damage. They build two level structures which they think are a better fit close to residential areas than high rise apartments. To prevent a party atmosphere, they don't build a clubhouse.

SPEAKERS IN OPPOSITION

Drew Koch, 2404 Bobolink Dr., W. Laf.: Mr. Koch believes there is adequate R3 zoning already in the area and said there is a significant number of vacancies in those R3 properties that are already built. He said homeowners in Wake Robin SD welcome development that is harmonious with the area. According to Mr. Koch, the current Copper Beech complex has increased traffic on Klondike Rd. and, if the stub street is connected as stated, he anticipates small children in Wake Robin will be in danger from increased traffic from students using the subdivision as a shortcut to Purdue University.

T. R. Oneal, 2403 Bobolink Dr., W. Laf.: Mr. Oneal said there is no guarantee that the remaining 22 acres will continue as R1 as was understood by Wake Robin residents. Although the representative from Copper Beech says they don't cater to students, Mr. Oneal said their advertising focuses on fall occupancy that coincides with the academic school year. Citing a petition with 140 signatures already submitted and another with 80 signatures submitted today, he asked the Commissioners to listen to the voters who oppose a zoning change to any land located between the existing Copper Beech complex and McCormick Rd.

Betty Nelson, 102 Hideaway Ln., W. Laf.: As a concerned resident of Wabash Township, Mrs. Nelson said residents in the area do not favor high density housing but are looking for a balance in creating new housing. In her opinion, high density housing is attractive only to the developer.

Dick Nelson, 102 Hideaway Ln., W. Laf.: Mr. Nelson thinks the logical zoning for this acreage is R1. There is already existing and planned high density housing in the area. He cited property located north of this property that is already zoned R3 but is not yet developed.

In rebuttal, Mr. Bumbleburg pointed out that the University community is greater than just the student body and Copper Beech hopes to attract some of those people as well. In his opinion, with a direct exit onto McCormick Rd., cutting through Wake Robin SD to get to Purdue will take students out of their way. He also pointed out that, if the reservation on the land for the proposed Cumberland Ave. extension expires, the land will go to the County at no cost.

Commissioner Benson encouraged the Area Plan Staff to work with the developer for density housing less than R3 to limit the number of residents. She thinks there are too many large apartment complexes already in the area to approve zoning for another one at this time.

President Knochel acknowledged that the offer of the right-of-way makes this rezone enticing but he is not sure when the County can afford to extend Cumberland Ave. He thinks it will be a number of years down the road. In good conscience he said he cannot support today's request due to the number of existing apartment complexes already in the area.

With no further questions or comments, Auditor Plantenga recorded the vote:

Ruth Shedd No
John Knochel No
KD Benson No

- The motion to approve Ordinance 2002-44-CM failed 0 – 3.

ORDINANCE 2002-48-CM: Z-2100, Franklin L. Spain, Jr. AW to RE

- Commissioner Benson moved to hear and approve Ordinance 2002-48-CM, seconded by Commissioner Shedd.

(quote)

November 21, 2002
Ref. No.:02-703

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2100-FRANKLIN L. SPAIN, JR. (AW TO RE) (Haggerty Hollow Subdivision):**
Petitioner is requesting rezoning of 20.06 acres in order to permit a 12-lot rural estate subdivision located on the south side of CR 200 South and the west side of CR 800 East, Sheffield 4 (NE) 22-3.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 20, 2002, the Area Plan Commission of Tippecanoe County voted 11 yes - 1 no on the motion to rezone the subject real estate from AW TO RE. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their December 2, 2002 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-48-CM**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE,
FROM AW TO RE****BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
TIPPECANOE, INDIANA:**

Section 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in Sheffield Township, Tippecanoe County, Indiana, to wit:

Part of the real estate conveyed to Franklin L. Spain, Jr. as recorded in Deed Record 95-17605 in the Office of the Recorder for Tippecanoe County Indiana (ORTCI), being part of the North Half of the North Half of the Northeast Fractional Quarter of Section 4, Township 22 North, Range 3 West, Sheffield Township, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at the northeastern corner of the said Northeast Quarter; thence South 2°05'36" West along the eastern line of the said Northeast Quarter for 226.28 feet to the POINT OF BEGINNING, thence continuing South 2°05'36" West along said eastern line for 281.44 feet; thence North 89°55'06" West for 250.03 feet; thence South 2°05'36" West for 215.00 feet; thence North 89°55'06" West for 1,762.99 feet; thence North 44°01'10" East for 124.98 feet; thence North 30°47'18" East for 142.83 feet; thence North 40°05'29" East for 91.53 feet- thence North 50°37'07" East for 50.40 feet; thence North 22°26'14" East for 56.43 feet; thence North 89°35'21" East for 280.50 feet; thence North 78°11'45" East for 292.78 feet; thence North 34°10'41" East for 294.16 feet; thence North 0°24'39" West for 40.00 feet to the northern line of said Northeast Quarter; thence North 89°35'21" East along said northern line for 193. 00 feet; thence South 0°24'39" East for 285.26 feet; thence South 89°55'06" East for 326.50 feet; thence North 11°45'45" East for 253.77 feet; thence North 0°24'39" West for 40.00 feet to the northern line of said Northeast Quarter; thence North 89°35'21" East along said northern line for 204.96 feet; thence South 2°07'55" West for 221.04 feet; thence South 89°12'35" East for 250.02 feet to the point of beginning, containing 20.060 acres, more or less.

Section 2. The real estate described above should be and the same is hereby rezoned from AW to RE.

Section 3. This ordinance shall be in full force and effect from and after its passage.

(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 2nd day of December, 2002.

VOTE:

John Knochel, President

KD Benson, Vice President

Ruth Shedd, Member

Attest: _____

Robert Plantenga, Auditor

(unquote)

Surveyor Paul Coutts, C & S Engineering, requested a zoning change for this 20.06 acres from AW to RE to permit a 12 – lot rural estate subdivision. He said this land is suited for this type of development because 2/3s of the acreage is wooded and is not farmed. The lots will be accessed by a private drive entrance.

Commissioner Benson asked Mr. Coutts to consult with the County Surveyor and Drainage Board to address drainage concerns expressed at the Area Plan Commission meeting.

With no further questions or comments, Auditor Plantenga recorded the vote:

John Knochel Yes
 KD Benson Yes
 Ruth Shedd Yes

- The motion to approve Ordinance 2002-48-CM passed 3 – 0.

HIGHWAY: Executive Director Mark Albers

AWARD BID: 2002 Guardrail Rehabilitation Program

After a review of the bids opened earlier in the meeting, Mr. Albers recommended awarding to the low bidder, James H. Drew Corp.

- Commissioner Benson moved to award the 2002 Guardrail Rehabilitation Program bid to James H. Drew Corp., seconded by Commissioner Shedd; motion carried.

2003 MATERIALS AND SUPPLY BIDS OPENED

Attorney Luhman opened the bids but did not read totals since the bids contained unit pricing.

Limestone, Gravel, and Fine Aggregates

Materials Service Corp.	Bid Bond
US Aggregates, Inc.	Bid Bond
Purdy Materials, Inc.	Cashier's Check

Recycled Concrete

Purdy Materials, Inc.	Cashier's Check
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Gasoline and Diesel Fuel

Westland Co-op, Inc.	Bid Bond
Petroleum Trader Corp	Bid Bond

Equipment Rental

R. W. Davis Contracting, Inc.	Irrevocable Letter of Credit
Rieth-Riley Co., Inc.	Bid Bond
Jack Isom Co., Inc.	Bid Bond
Milestone Contractors, Inc.	Bid Bond

- Upon Attorney Luhman's recommendation, Commissioner Benson moved to take the bids under advisement, seconded by Commissioner Shedd; motion carried.

PER DIEM INCREASE REQUESTS: Cary Home & Tippecanoe Villa

Cary Home Director Rebecca Humphrey reported that the Cary Home Advisory Board recommends increasing the per diem from \$125 to \$150 for the general population and to \$175 day for individuals needing intense

supervision. She noted the proposed per diem is the same for in-county or out-of-county residents.

Villa Director Terrie Hively requested a per diem increase from \$39 to \$42 for private residents that comprise approximately 10% of her population. The rate is \$27.16 for ARCH (Medicaid) residents. She noted the State has reduced the ARCH rate 17% but that is under appeal.

President Knochel asked Attorney Luhman to draft a resolution for these per diem increases for approval at the December 16, 2002 meeting.

ARNETT CLINIC AGREEMENT: Medical Consultation Services for Cary Home: Cary Home Director Rebecca Humphrey

Ms Humphrey requested approval of an Agreement for Medical Consultation Services between Arnett Clinic, LLC and Cary Home for 2003. The Agreement is specifically for the services of Drs. Robert Hannemann and Gerald Wehr in the amount of \$100 each per month.

- Commissioner Benson moved to approve the Agreement for Medical Consultation Services with Arnett Clinic for Cary Home for 2003, seconded by Commissioner Shedd; motion carried.

MEMORANDUM OF AGREEMENT: Division of Family & Children (DFC) and Cary Home: Cary Home Director Rebecca Humphrey

Ms Humphrey asked the Commissioners to approve the Memorandum of Agreement with the DFC to fund the JAMS Program at Cary Home in the amount of \$25,000. Although the Memo says this amount will cover from January 1, 2003 through June 30, 2003, Ms Humphrey thinks it will only last until May 2003. She said there is a possibility they will receive a \$10,500 JAIBG Grant to carry the Program until approximately mid June, and she has applied for a Juvenile Justice Grant to fund the Program for the remainder of 2003.

- Commissioner Benson moved to approve the Memorandum of Understanding with the DFC, seconded by Commissioner Shedd; motion carried.

UPDATE OF CARY HOME SERVICES: Cary Home Director Rebecca Humphrey

- ♦ Ms Humphrey said after-care services for families of juveniles who have been successfully discharged from Cary Home are being held twice a week.
- ♦ Cary Home is seeking a waiver to convert middle section rooms to single units for individuals requiring intensive supervision.
- ♦ Emergency shelter care has been implemented.

PROPOSAL OPENED: Domestic Relations Counseling Services

Attorney Luhman opened the one (1) Proposal received from Family Services, Inc. in response to the Commissioners' Request for Proposals on behalf of the courts for Domestic Relations Counseling Services.

- Upon Attorney Luhman's recommendation, Commissioner Benson moved to take the Proposal under advisement and refer it to the courts for their review and recommendation for further action, seconded by Commissioner Shedd; motion carried.

2003 MEETING TIMES

Commissioner Benson introduced two proposals for a change in meeting times for 2003. She said she liked the proposal to change the meeting on the first Monday of the month from 9:00 A.M. to 10:00 A.M. and continue the meeting on the third Monday of the month at 5:00 P.M.

Commissioner Shedd said she prefers holding both meetings at 10:00 A.M., but noted an evening meeting can be scheduled if there is a topic of great public interest.

President Knochel suggested delaying a vote on this until the next meeting on Monday, December 16th to allow time for any response from the public.

NEW BUSINESS

Commissioner Benson asked Zoning Enforcement Officer Al Levy, who was in the audience, if there is a mechanism in place by which he can learn if a developer has complied with all subdivision requirements before securing Building and Occupancy Permits. Mr. Levy responded there is probably a way he could accomplish this, but he would like some time to develop a plan for the Commissioners' consideration. Commissioner Shedd asked if the Building Inspectors check on this before issuing an Occupancy Permit. Mr. Levy said there are no checks and balances.

Commissioner Benson mentioned that guidelines concerning such issues as the entering of property and sign enforcement on State highways are being formulated for Mr. Levy and given to Attorney Luhman to review.

PUBLIC COMMENT

None.

ADJOURNMENT

- Commissioner Benson moved to adjourn, seconded by Commissioner Shedd; motion carried.

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

John L. Knochel, President

KD Benson, Vice President

Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor